

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**UNITED STATES OF AMERICA, )**

**Plaintiff, )**

**vs. )**

**Case No. 98-00311-CR-W-GAF**

**EDWIN R. HINESTROZA, )**

**Defendant. )**

**AMENDED ORDER**

Due to a clerical error, this Court's September 26, 2005 Order in regard to Defendant's Motion to Strike Non-Statutory Aggravating Circumstance of Victim Impact From Notice of Intent to Seek Death Penalty Based Upon a Violation of the Indictment Clause of the Fifth Amendment overruled and denied defendant's motion. Said Order was in error and defendant's motion should be granted. Accordingly, it is

ORDERED that this Court's September 26, 2005 Order is amended to grant Defendant's Motion to Strike Non-Statutory Aggravating Circumstance of Victim Impact From Notice of Intent to Seek Death Penalty Based Upon a Violation of the Indictment Clause of the Fifth Amendment.

/s/ Gary A. Fenner  
GARY A. FENNER, JUDGE  
United States District Court

DATED: September 27, 2005